

## **Assembly Constitutional Amendment**

**No. 13**

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**Introduced by Assembly Member Nestande**

December 29, 2010

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Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

### LEGISLATIVE COUNSEL'S DIGEST

ACA 13, as introduced, Nestande. State budget.

Existing provisions of the California Constitution prohibit the Legislature from sending to the Governor for consideration, and prohibit the Governor from signing, a Budget Bill that would appropriate from the General Fund a total amount that, when combined with specified appropriations and transfers, exceeds General Fund revenues for that fiscal year estimated as of the date of the Budget Bill's passage.

This measure would require that the estimate of the General Fund revenues described above be made by the Controller. The measure would require the Controller, within 3 days after a Budget Bill is submitted to the Governor, to certify whether the Budget Bill meets the above requirement regarding appropriations from the General Fund. The Governor would be prohibited from signing a Budget Bill that the Controller certifies as not meeting that requirement unless the Governor reduces or eliminates items of appropriation in the bill and the Controller certifies that the bill, as adjusted, meets that requirement.

This measure would prohibit either house of the Legislature from adjourning for a recess after sending a Budget Bill to the Governor until the Controller has provided the certification described above.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1     *Resolved by the Assembly, the Senate concurring,* That the  
2     Legislature of the State of California at its 2011–12 Regular  
3     Session, commencing on the sixth day of December 2010,  
4     two-thirds of the membership of each house concurring, hereby  
5     proposes to the people of the State of California that the  
6     Constitution of the State be amended as follows:

7     That Section 12 of Article IV thereof is amended to read:

8     SEC. 12. (a) Within the first 10 days of each calendar year,  
9     the Governor shall submit to the Legislature, with an explanatory  
10    message, a budget for the ensuing fiscal year containing itemized  
11    statements for recommended state expenditures and estimated state  
12    revenues. If recommended expenditures exceed estimated revenues,  
13    the Governor shall recommend the sources from which ~~the~~  
14    additional revenues should be provided.

15    (b) The Governor and the Governor-elect may require a state  
16    agency, officer or employee to furnish whatever information is  
17    deemed necessary to prepare the budget.

18    (c) (1) The budget shall be accompanied by a budget bill  
19    itemizing recommended expenditures.

20    (2) The budget bill shall be introduced immediately in each  
21    house by the persons chairing the committees that consider the  
22    budget.

23    (3) The Legislature shall pass the budget bill by midnight on  
24    June 15 of each year.

25    (4) Until the budget bill has been enacted, the Legislature shall  
26    not send to the Governor for consideration any bill appropriating  
27    funds for expenditure during the fiscal year for which the budget  
28    bill is to be enacted, except emergency bills recommended by the  
29    Governor or appropriations for the salaries and expenses of the  
30    Legislature.

31    (d) No bill except the budget bill may contain more than one  
32    item of appropriation, and that for one certain, expressed purpose.  
33    Appropriations from the General Fund of the State, except  
34    appropriations for the public schools and appropriations in the  
35    budget bill and in other bills providing for appropriations related  
36    to the budget bill, are void unless passed in each house by rollcall

1 vote entered in the journal, two-thirds of the membership  
2 concurring.

3 (e) (1) Notwithstanding any other provision of law or of this  
4 Constitution, the budget bill and other bills providing for  
5 appropriations related to the budget bill may be passed in each  
6 house by rollcall vote entered in the journal, a majority of the  
7 membership concurring, to take effect immediately upon being  
8 signed by the Governor or upon a date specified in the legislation.  
9 Nothing in this subdivision shall affect the vote requirement for  
10 appropriations for the public schools contained in subdivision (d)  
11 of this section and in subdivision (b) of Section 8 of this article.

12 (2) For purposes of this section, “other bills providing for  
13 appropriations related to the budget bill” shall consist only of bills  
14 identified as related to the budget in the budget bill passed by the  
15 Legislature.

16 (f) The Legislature may control the submission, approval, and  
17 enforcement of budgets and the filing of claims for all state  
18 agencies.

19 (g) (1) For the 2004–05 fiscal year, or any subsequent fiscal  
20 year, the Legislature may not send to the Governor for  
21 consideration, ~~nor may the Governor sign into law,~~ a budget bill  
22 that would appropriate from the General Fund, for that fiscal year,  
23 a total amount that, when combined with all appropriations from  
24 the General Fund for that fiscal year made as of the date of the  
25 budget bill’s passage, and the amount of any General Fund moneys  
26 transferred to the Budget Stabilization Account for that fiscal year  
27 pursuant to Section 20 of Article XVI, exceeds General Fund  
28 revenues for that fiscal year ~~estimated as of the date of the budget~~  
29 ~~bill’s passage. That estimate of General Fund revenues shall be~~  
30 ~~set forth in the budget bill passed by the Legislature.~~

31 (2) *The Controller shall provide to the Legislature, no later*  
32 *than the preceding June 1, or earlier upon request by the*  
33 *Legislature, an estimate of the General Fund revenues for the*  
34 *fiscal year to which the budget bill applies. The Controller’s*  
35 *estimate of General Fund revenues shall be set forth in the budget*  
36 *bill passed by the Legislature.*

37 (3) *The Controller shall, within three days after a budget bill*  
38 *is sent to the Governor for consideration, certify whether the bill*  
39 *would, as of the date of that certification, satisfy the requirements*

1 of paragraph (1). The Governor shall not sign a budget bill into  
2 law prior to that certification.

3 (4) In the event that the Controller certifies that the budget bill  
4 sent to him or her for consideration does not satisfy the  
5 requirements of paragraph (1), the Governor may sign the budget  
6 bill only if all of the following have occurred:

7 (A) The Governor reduces or eliminates one or more items of  
8 appropriation pursuant to subdivision (e) of Section 10 so that the  
9 bill will satisfy the requirements of paragraph (1).

10 (B) The Governor submits the budget bill with those adjustments  
11 to the Controller, who shall certify, within three days of that  
12 submission, whether the budget bill, as adjusted, satisfies the  
13 requirements of paragraph (1).

14 (C) The Controller certifies that the budget bill, as proposed to  
15 be adjusted, satisfies the requirements of paragraph (1).

16 (5) After sending a budget bill to the Governor for consideration,  
17 neither house of the Legislature shall adjourn for more than 10  
18 days before the date the Controller certifies, pursuant to paragraph  
19 (3) or (4), that the budget bill, or a budget bill for the same fiscal  
20 year sent to the Governor thereafter, satisfies the requirements of  
21 paragraph (1).

22 (h) Notwithstanding any other provision of law or of this  
23 Constitution, including subdivision (c) of this section, Section 4  
24 of this article, and Sections 4 and 8 of Article III, in any year in  
25 which the budget bill is not passed by the Legislature by midnight  
26 on June 15, there shall be no appropriation from the current budget  
27 or future budget to pay any salary or reimbursement for travel or  
28 living expenses for Members of the Legislature during any regular  
29 or special session for the period from midnight on June 15 until  
30 the day that the budget bill is presented to the Governor. No salary  
31 or reimbursement for travel or living expenses forfeited pursuant  
32 to this subdivision shall be paid retroactively.